

New York State Department of Environmental Conservation

Office of General Counsel

100 Hillside Avenue Suite 1W

White Plains, New York 10603-2860

Phone: (914) 428-2505 • **FAX:** (914) 428-0792

Website: www.dec.ny.gov



Joe Martens
Commissioner

February 19, 2015

Daniel Riesel, Esq.,
Sive Paget & Riesel P.C.
460 Park Avenue
New York, NY 10022

Re: Order on Consent, Operable Unit 2

Dear Dan,

The Department is looking forward to our meeting on March 4, 2015 and is willing to discuss the attached Order at that time. Your draft of February 2, 2015 does not address our concerns. The Department is not a party to the "Agreement" you describe in your cover letter. The State is unwilling to have an order that is in any way tied to the on-going mediation process between Northrop Grumman and the United States Navy regarding allocation of responsibility/liability.

Never-the-less if Grumman is willing to sign an OU2 order that fully address the complete remedy identified in the ROD, the Department is willing to look at the possibility of a division of labor reserving all of our rights and requiring the timely implementation of the remedy.

Sincerely,

Rosalie K. Rusinko
Senior Attorney

cc: B. Conlon